

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KHANH LE,

Plaintiff,

v.

FIREMANS FUND INSURANCE
COMPANY,

Defendant.

CASE NO. C13-376RAJ

ORDER

On April 5, 2013, the court ordered *pro se* plaintiff Khanh Le to show cause why his case should not be dismissed for lack of subject matter jurisdiction. Dkt. # 10 at 2. Plaintiff responded on April 12, 2013. Dkt. # 12. The only named defendant is Firemans Fund Insurance Company.

In his response, plaintiff explains that he was falsely arrested for violating a restraining order in Sacramento, and that he was not read his rights at the time of the arrest on August 30, 2011. He explains a conversation he had with his public defender. He also explains that he was told that he had to go to inpatient mental health treatment before he could have a hearing, and that he discovered false documents in the court file. He claims his civil rights have been violated pursuant to 42 U.S.C. § 1983.

1 “Section 1983 provides a cause of action against any person who deprives an
2 individual of federally guaranteed rights ‘under color’ of state law.” *Filarsky v. Delia*,
3 132 S.Ct. 1657, 1661 (2012). Nothing in plaintiff’s complaint or his response alleges that
4 the only named defendant is a state actor.

5 Accordingly, this court lacks subject matter jurisdiction. The clerk is ORDERED
6 to dismiss this case without prejudice.

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8 DATED this 16th day of April, 2013.

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12 The Honorable Richard A. Jones
13 United States District Judge
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